

January 15, 2010

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
January 15, 2010

I. OPENING OF MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET,
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 18, 2009

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR
MEETING HELD DECEMBER 18, 2009?**

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	152.....	9
Agriculture	433.....	17
Arts Council.....	20.....	2
Capitol Development Board	45.....	0
Central Management Services	1,440.....	115
Children and Family Services	3,059.....	48
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	428.....	68
Commerce Commission.....	71.....	0
Corrections.....	11,556.....	104
Criminal Justice Authority.....	59.....	5
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	9.....	1
Emergency Management Agency	95.....	6
Employment Security.....	1,970.....	24
Environmental Protection Agency	944.....	17
Financial & Professional Regulation	501.....	41
Gaming Board.....	84.....	7
Guardianship and Advocacy	112.....	7
Healthcare and Family Services.....	2,324.....	26
Historic Preservation Agency	201.....	11
Human Rights Commission	14.....	2
Human Rights Department	149.....	10
Human Services	13,758.....	76
Insurance.....	230.....	9
Investment Board.....	3.....	1
Juvenile Justice	1,223.....	20
Labor.....	81.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Medical District Commission	2.....	0
Military Affairs	124.....	3
Natural Resources	1,337.....	24
Pollution Control Board.....	19.....	1
Prisoner Review Board	20.....	0
Property Tax Appeal Board	21.....	1
Public Health.....	1,109.....	43
Racing Board	3.....	0
Revenue	2,053.....	61
State Fire Marshal.....	142.....	12
State Police	1,347.....	5
State Police Merit Board.....	6.....	1
State Retirement Systems	81.....	2
Transportation.....	3,674.....	0
Veterans' Affairs.....	1,200.....	7
Workers' Compensation Commission	174.....	8
TOTALS	50,331.....	808

B. Governing Rule – Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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C. Illinois Department on Aging – Proposed Exemption

Position Number	40070-47-00-200-01-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of General Counsel
Functional Title	Chief Legal Counsel
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

CMS Recommendation: “The position meets the reporting criteria of the Commission Rules and considering the similarity of this position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Department of Central Management Services – Proposed Exemption

Position Number	00501-37-06-000-01-02
Position Title	Administrative Assistant I
Bureau/Division	Governmental Affairs
Functional Title	Legislative Liaison
Incumbent	Vacant
Supervisor	Deputy Director of Governmental Affairs, who reports to the Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E1. Illinois Department of Employment Security – Proposed Exemption

Position Number	40070-44-90-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Chief of Staff
Functional Title	Chief of Staff
Incumbent	Vacant
Supervisor	Director
Location	Cook County

E2. Illinois Department of Employment Security – Proposed Exemption

Position Number	40070-44-20-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Service Delivery
Functional Title	Executive Deputy Director, Office of Service Delivery
Incumbent	Vacant
Supervisor	Director
Location	Cook County

E3. Illinois Department of Employment Security – Proposed Exemption

Position Number	40070-44-40-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Programs
Functional Title	Executive Deputy Director, Office of Programs
Incumbent	Vacant
Supervisor	Director
Location	Cook County

E4. Illinois Department of Employment Security – Proposed Exemption

Position Number	40070-44-46-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Programs/Planning & Procedures
Functional Title	Manager, Bureau of Planning & Procedures
Incumbent	Vacant
Supervisor	Executive Deputy Director, Office of Programs, who reports to the Director
Location	Cook County

E5. Illinois Department of Employment Security – Proposed Exemption

Position Number	40070-44-23-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Service Delivery/Service Model Strategies
Functional Title	Project Manager, New Business Model Strategies
Incumbent	Vacant
Supervisor	Executive Deputy Director, Office of Service Delivery, who reports to the Director
Location	Cook County

E6. Illinois Department of Employment Security – Proposed Exemption

Position Number	40070-44-05-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Director/Internship & Special Programs
Functional Title	Manager, Internship and Special Programs
Incumbent	Vacant
Supervisor	Director
Location	Cook County

CMS Recommendation: “These positions do meet the reporting criteria of the Commission Rules and considering the similarities of these requested positions with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

F. Illinois Department of Natural Resources – Proposed Exemption

Position Number	40070-12-01-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Community Outreach
Functional Title	Manager, Office of Community Outreach
Incumbent	Vacant
Supervisor	Director
Location	Cook County

CMS Recommendation: “The position meets the reporting criteria of the Commission Rules and considering the similarity of this position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUESTS FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- C: Chief Legal Counsel**
- D: Legislative Liaison**
- E1: Chief of Staff**
- E2: Executive Deputy Director, Office of Service Delivery**
- E3: Executive Deputy Director, Office of Programs**
- E4: Manager, Bureau of Planning & Procedures**
- E5: Project Manager, New Business Model Strategies**
- E6: Manager, Internship and Special Programs**
- F: Manager, Office of Community Outreach**

V. STAFF REPORT ON ADDITIONAL/IDENTICAL

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VI. CLASS SPECIFICATIONS

- None submitted.

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VII. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

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VIII. RECONVENE MEETING

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	11/30/09	12/31/09	12/31/08
Aging	1	2	0
Agriculture	2	0	0
Central Management Services	1	1	2
Children and Family Services	10	9	3
Employment Security	3	3	5
Healthcare and Family Services	4	5	9
Human Services	1	1	0
Natural Resources	18	15	14
State Police	0	0	1
Transportation	10	15	17
Veteran's Affairs	0	0	2
Workers' Compensation Commission	0	0	5
Totals	50	51	58

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X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• **DISCHARGE**

DA-3-10

Employee	Josef D. Wehlauch	Appeal Date	08/05/09
Agency	DOC	Decision Date	12/31/09
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Improper use of sick time; failed to receive approval for secondary employment; engaged in secondary employment while on paid state time; told an inappropriate sexual joke to a cadet class	Recommended Decision	Charges are partially proven and warrant 90-day suspension.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

• **DISCHARGE**

DA-12-10

Employee	Betty J. Webb	Appeal Date	10/01/09
Agency	DHS	Decision Date	12/31/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Charges are partially proven and do warrant discharge.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

XI. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

• **DISMISSED**

DA-25-10

Employee	Andrew Wampler	Appeal Date	12/18/09
Agency	HFS	Decision Date	12/29/09
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Pled guilty to computer tampering by accessing or attempting to access employees' email accounts without authorization	Recommended Decision	Dismissed subject to Commission approval; withdrawn (will pursue through grievance procedure).

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**DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED
DECISION IN THE ABOVE MATTER?**

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

**The next regular meeting is to be held on Friday, February 19, 2010 at 11:00 a.m. in
the Commission's Chicago office.**

XIV. MOTION TO ADJOURN